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**SYCAMORE CITY COUNCIL – REGULAR MEETING  
MINUTES OF OCTOBER 17, 2005**

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**ROLL CALL**

Mayor Ken Mundy called the meeting to order and Clerk Candy Smith called the roll. Those Alderpersons present were: Grace Adee, Alan Bauer, Terry Kessler, Darren Knuth, Barbara Leach, Cheryl Maness, Pete Paulsen and Chuck Stowe.

**INVOCATION**

Pastor Dan Stovall of Sycamore Baptist Church gave the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mayor Mundy moved Presentation of Petitions, Communications, and Bills to before Audience to Visitor.

**Motion**

Alderperson Maness moved to approve the agenda with the change and Alderperson Leach seconded the motion.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 8 - 0.

**PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**

- A. Presentation by the Sycamore Economic Development Commission. Commissioner Don Paulsen will introduce the owners of Mojo Brewing who will briefly describe the expanded range of goods and services offered by their business.

Scott Prutton said he and his wife, Sheri, own Mojo Brewing which is a beer and wine making supply store. He said this was a hobby and when he and his wife were both laid off from the same company, they decided to open a brewing supply store. He said they were in DeKalb for two years and came to Sycamore when a store front became available. He thanked everybody in the City for their support. He said they can now sell their product and are in the process of getting federal and state licenses. He said they have secured the name "Sycamore Winery." He said besides selling supplies they want to give back to the community, so the wine labels will be historical sites in Sycamore and a portion of the proceeds will go to the Sycamore Historical Society.

- B. Proclamation Supporting the Sycamore Historical Museum.

Mayor Mundy read the proclamation.

Ed Kuhn, 1001 Freed Rd, said Wally Thurow, creator of the Pumpkin Festival, has fallen on hard times as a result of Hurricane Katrina. He said Wally is 78 years old and after his home is brought back to living standards he will probably have a mortgage of \$150,000 to \$200,000. Mr. Kuhn said he, Joel Barczak, John Hulseberg, Brian Egerman, Dwight Carlson, and Gerry Keating went down to take Wally's home down to the studs. He said that Jesus Romero will hold a business after hours Thursday, October 27 at Taxco to raise

money. He said there are accounts at the local banks available for donations. He said there will be a collection during the Pumpkin Fest Parade and signs will be posted. He said that suggestions and donations can also be funneled through the Sycamore Chamber of Commerce.

Manager Nicklas applauded the work the group was doing and asked Council to give permission to post the signs.

Council consented to allow the signs.

Aldersperson Leach said that Ducky's Formal Wear in DeKalb has donated the use of a tuxedo to Wally Thurow for Pumpkin Fest. She also said she received a call from a senior concerned about the fairness of garbage rates.

Manager Nicklas said Council did discuss that and he would give her that history.

Mayor Mundy said that Pumpkin Fest is upon us and urged caution to drivers with all the extra car and foot traffic that will be in town.

## **AUDIENCE TO VISITORS**

Joyce Smith, 1514 Kennicot Ct., asked Council to quit attacking audience members and other Council members during the meeting. He said Council appeared to listen to their constituents at the last meeting, but since developers "sweetened the pot" Council is ready to defend the developers and not listen to the people. She asked what the big hurry is to annex now. She said that C.A.R.E. wants slow growth not no growth.

Rose Treml, Executive Director of Sycamore Chamber of Commerce and 15-year resident, said she is representing the businesses of Sycamore many of whom are also constituents. She said the business community is for responsible growth and B & B's proposal is an example of that. She said the Chamber strongly encourages Council to approve the plan.

Dan Hamingson, 11713 Deerpath, said he has had his business Blackhawk Moving and Storage in Sycamore for 27 years. He said his wife was on the School Board for 12 years and they see this development as part of a well thought out plan. He said the vitality of Sycamore business is a result of a population that can support the retail. He said he hoped Council would support this development.

Michelle Rhynders Schulz, Manager of KarFre Flowers and resident at 617 Parkmoor Ct., said growing up in a small business family they did not have health benefits or vacations. She said that residential development has helped the businesses in Sycamore. She said that by voting for this development it will help the children of business owners tomorrow. She asked Council to consider the greater good when voting on this development tonight. She said the School District, Park District, Economic Development community, and the Plan Commission are in favor of this development.

Gregory Taylor, 1239 Yorkshire Dr. South, said he thought Council had to approve this development. He said the 8 individuals on Council need to make the decisions for the whole community and whatever decisions they make send a message to the world. He said Council already created an ordinance to control growth and asked them not to send a message of no growth. He said they must consider what is best for Sycamore in the long term.

Steve Kuhn, 430 S. Main St., commended all the people for voicing their opinions. He said Sycamore has a grand plan for building – he would like to see a grand plan for maintaining infrastructure. He said B & B's plan is not a bad plan.

Kathy Stafford, 12140 Aldridge Rd., said 22 years ago she bought a farm and started Oaken Acres Wildlife Center. She said if she is going to be living close to neighborhoods, she would prefer to live by a B & B Developers development.

Dan Stovall, 729 W. State St., asked a Council member on the prevailing side to move to reconsider the B & B proposals. He said he has lived here for 25 years and other than Pumpkin Festival this is the first time he has seen all taxing bodies and an overwhelming majority of community organizations saying this is good for Sycamore. He said that selfishly he would like more people to share the tax burden and wants businesses in the Community. He asked Council to vote in favor of annexing B & B's proposals.

Joel Barczak, co-owner of Blumen Gardens, said he started attending Council meetings in 1989 and the building reports would amount to 2 houses. He said Anaconda, Diamond Wire, and Turner Brass had all closed and "you could not give Sycamore away." He said right now Sycamore is vibrant and small businesses are doing well and are a better base for our economy. He asked Council if individually they had ever had to make payroll or signed a large note to buy a large piece of equipment. He said he heard that last meeting somebody said that developers and contractors don't count. He said his employees' wages, fuel purchases, equipment he buys, and the insurance he buys all stay in town. He said Sycamore needs to maintain high building standards using natural materials and planting more trees. He asked Council not to close the doors because growth is good.

Peter Barick, 433 W. High St., said he was opposed to the development. He said it was too much added to 3,000 homes awaiting buildout. He said the new building start timeline is a future that is unsure. He said to wait because the land and quality developers will not go away. He suggested considering the Mapes property alone.

Peter Smith, attorney on behalf of Kishwaukee Hospital, reserved time to speak on their agenda item.

Gary Cordes, attorney for Territorial Development, reserved time to speak on that agenda item.

## **CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of October 3, 2005.
- B. Payment of the Bills for October 17, 2005 in the amount of \$4,670,358.35 noting that \$1,000,000 is rebate for United and Aviation Fuels and \$3,000,000 is bond refunding.
- C. Plan Commission Minutes for the Meeting of September 12, 2005.

## **Motion**

Aldersperson Bauer moved to approve the Consent Agenda and Aldersperson Kessler seconded the motion. Aldersperson Kessler asked that the statement of the School District be read into the minutes.

## **Amended Motion**

Aldersperson Bauer amended his motion to include the statement of the School District and Aldersperson Kessler seconded the motion.

### **Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 8 - 0.

### **REPORT OF OFFICERS**

Manager – Bill Nicklas said at the November 7 meeting Andy Jasek would present the concept plan for the second fire station.

Engineer – John Brady said 50 trees were sold in the Tree Program and planting will take place later this month.

Building & Zoning – Lyle Doty asked for Council approval regarding zoning change requested by Bingham's on Ordinance 2005.55. He said that the Bingham's have also purchased two buildings downtown to refurbish and are doing a nice job for the community.

Assistant Fire Chief – Cary Niewold said Fire Prevention week has come and gone and all the schools were visited. He said they reached about 3,500 school children.

Treasurer/Asst. City Manager – Brian Gregory the audit trial balances have been received and a final report should be presented at the second meeting in November.

Public Works Supt. – Fred Busse said the leaf pickup program began earlier in the day.

Water Supt. – Ebe Smith said the building at Well #9 is completed except for electricity. He said once that is completed testing will begin.

Police Chief – Don Thomas said the 140 volunteers for Pumpkin Fest weekend have been secured. He reminded everyone that parade route reservations will not take place until 5:00 p.m. Friday before the parade. Chief Thomas said he is one of the candidates for Kiss the Pig contest and asked the community to support the event that raises money for the Sycamore Historical Museum.

### **REPORT OF STANDING COMMITTEES**

Finance – no report

Ordinance –no report

Police & Fire – no report

Sewer & Water –no report

Streets & Walks – no report

**PUBLIC HEARING** - None

### **ORDINANCES**

**A. Ordinance No. 2005.42—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Wolf Lake Development Corporation for an Annexation Agreement, Annexation and Rezoning to “R-1” One Family Residence District for Property Known as the The Hamlet of Sycamore Creek (Lindgren Farm) in the City of Sycamore, Illinois. Second Reading.**

Mayor Mundy said the question is whether City Council will reconsider the vote on Ordinance 2005.42.

Aldersperson Bauer said his personal opinion about growth in Sycamore is represented only with equal weight to each opinion of those in the first ward. He said the result of the growth referendum is quite clear and Council must never think they know better than their constituents. He said they might be better informed, but it is their job to get that information out. Aldersperson Bauer said his concern is not with the quality of the developer, but with the timeline between 2005 and 2009. He said now that B & B has compromised on the timeline, he feels this is an acceptable development.

**Motion to Reconsider Ordinance 2005.42**

Aldersperson Bauer moved to reconsider Ordinance 2005.42 and Aldersperson Leach seconded the motion.

Manager Nicklas said that since the agenda was prepared B & B Development offered to push back all permits to 2010.

**Roll Call Vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Paulsen, Stowe, Bauer, Kessler, Leach, Maness and Mayor Mundy voted aye. Alderspersons Adee and Knuth voted nay. Motion carried 7- 2.

**Motion to Amend Original Motion**

Aldersperson Bauer moved to amend the original motion to change paragraph #16 in the annexation agreement to read “except that no permits shall be issued before 2010” and Aldersperson Maness seconded the motion.

**Roll Call Vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Paulsen, Stowe, Adee, Bauer, Kessler, Knuth, Leach, Maness and Mayor Mundy voted aye. Motion carried 9-0.

Aldersperson Knuth said, for the record, that the Middle School is within 20 of capacity and possibly two grade schools are maxed out. He said that he realizes that the 1,600 homes currently on the slate for the next 3 years cannot be brought back and he hopes the District moves quickly in getting the funds required to build a Middle School. He said he hoped they would do everything within their power, and he will, too, to get the needed referendums approved. He said if that does not happen, heaven help us all and heaven help all the children that will suffer for the decision made tonight.

**Original Motion made October 3, 2005**

Aldersperson Maness moved to approve Ordinance 2005.42 and Aldersperson Kessler seconded the motion.

**Roll Call Vote October 17, 2005**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Paulsen, Stowe, Bauer, Kessler, Leach, Maness and Mayor Mundy voted aye. Alderspersons Adee and Knuth voted nay. Motion carried 7-2.

**B. Ordinance No. 2005.43—An Ordinance Annexing the 41.09-Acre Property on the North Side of Lindgren Road East of Plank Road in the City of Sycamore, Illinois. Second Reading.**

**Motion**

Alderson Maness moved to approve Ordinance 2005.43 and Alderson Bauer seconded the motion.

**Roll Call Vote**

Mayor Mundy called for a roll call vote to approve the motion. Aldersons Paulsen, Stowe, Bauer, Kessler, Leach, Maness and Mayor Mundy voted aye. Aldersons Adee and Knuth voted nay. Motion carried 7 - 2.

**C. Ordinance No. 2005.44—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Wolf Lake Development Corporation for an Annexation Agreement, Annexation and Rezoning to “R-1” One Family Residence District for Property Known as Sycamore Creek III (Yvonne Wolfenberger Farm) in the City of Sycamore, Illinois. Second Reading.**

**Motion**

Alderson Bauer moved to approve Ordinance 2005.44 with the change in paragraph #16 in the annexation agreement to read “except that no permits shall be issued before 2010” and Alderson Kessler seconded the motion.

Alderson Leach asked the percentage of homes in the B & B developments that are worked on by local contractors

Charlie Blood, B & B Enterprises, said the majority are from the Sycamore/DeKalb area.

Alderson Knuth asked if that meant the number of buildings being built or the number of builders involved.

Mr. Blood said at any one time there are 25 builders and he estimated that Sycamore area builders had bought more lots.

Manager Nicklas said there is a difference between a builder and contractor.

Mr. Blood said he thought the majority of builders use local contractors.

**Roll Call Vote**

Mayor Mundy called for a roll call vote to approve the motion. Aldersons Paulsen, Stowe, Bauer, Kessler, Maness and Mayor Mundy voted aye. Aldersons Adee, Knuth, and Leach voted nay. Motion carried 6- 3.

**D. Ordinance No. 2005.45—An Ordinance Annexing the 282.98-Acre Property Located South and East of Plank Road and North of Lindgren Road in the City of Sycamore, Illinois. Second Reading.**

**Motion**

Aldersperson Maness moved to approve Ordinance 2005.45 and Aldersperson Bauer seconded the motion.

**Roll Call Vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Paulsen, Stowe, Bauer, Kessler, Leach, Maness and Mayor Mundy voted aye. Alderspersons Adee and Knuth voted nay. Motion carried 7 - 2.

- E. Ordinance No. 2005.46—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Wolf Lake Development Corporation for an Annexation Agreement, Annexation and Rezoning to “R-1” One Family Residence District for Property Known as The Commons of Sycamore Creek (Mapes Farm) in the City of Sycamore, Illinois. Second Reading.**

**Motion**

Aldersperson Maness moved to approve Ordinance 2005.46 with the change in paragraph #16 in the annexation agreement to read “except that no permits shall be issued before 2010” and Aldersperson Bauer seconded the motion.

Aldersperson Stowe asked if moving the timeline means any change to the timing of the School site.

Manager Nicklas said it does not change the School District interest.

Aldersperson Leach said she spoke with the School District and this development is beneficial to give the School District a Middle School site.

**Roll Call Vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Paulsen, Stowe, Bauer, Kessler, Leach, Maness and Mayor Mundy voted aye. Alderspersons Adee and Knuth voted nay. Motion carried 7 - 2.

Aldersperson Paulsen said the background talks about aiming for an average of 250 permits per year and suggested amending the ordinance to make sure another developer does not sneak in. He said he would like to consider changing Ordinance 2003.65 to cap building permits at 250 per year.

- F. Ordinance No. 2005.47—An Ordinance Annexing the 114.09-Acre Property Located Northwest of the Intersection of Plank Road and Lindgren Road. Second Reading.**

**Motion**

Aldersperson Stowe moved to approve Ordinance 2005.47 and Aldersperson Leach seconded the motion.

**Roll Call Vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Paulsen, Stowe, Bauer, Kessler, Leach, Maness and Mayor Mundy voted aye. Alderspersons Adee and Knuth voted nay. Motion carried 7 - 2.

**G. Ordinance No. 2005.55—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Arthur and Julie Bingham for a Rezoning of 126 Sabin Street from “C-1” Neighborhood Business District to “R-2” Two Family Residence District in the City of Sycamore, Illinois. First and Second Reading.**

Manager Nicklas said recently a succession of owners has tried to keep the building rented for the competing uses, but have not been successful.

**Motion**

Aldersperson Paulsen moved to hear Ordinance 2005.55 on first and second reading and Aldersperson Maness seconded the motion.

Aldersperson Paulsen said this is a good idea, because this is not a good location for commercial.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 - 0.

**Motion**

Aldersperson Paulsen moved to approve Ordinance 2005.55 and Aldersperson Stowe seconded the motion.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 - 0.

**H. Ordinance No. 2005.56—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Territorial Development to Rezone Property Located at 1235 Hathaway Drive from “C-3” Highway Business District to “C-4” Mixed Use Commercial District for a Planned Unit Development with Thirteen Office/Warehouse Units and Thirty-Two Residential Townhouse Units with a Minimum Front Yard Setback of Thirty-Five Feet from Hathaway Drive in the City of Sycamore, Illinois. First and Second Reading.**

Manager Nicklas said that prior to the workshop in June 2005 Territorial Development had presented several proposals and after each of those presentations the Plan Commission challenged the petitioner to return with something that preserved all or a portion of the parcel for commercial uses. He said C-4 is probably the optimal zoning in terms of what the market will support at this location because the parcel to the left when developed will obscure the frontage and the parcel to the right is residential.

Gary Cordes, 1467 Maria Ct., said during the 5 previous hearings there were no objectors. He said the conflict between the developer and the Plan Commissioners was to keep the commercial zoning. Mr. Cordes read a letter from the adjacent condominium association supporting the proposal. He said the property is not visible from Sycamore Road and has little visibility from Peace Road. He said this property has generated very little property tax and will generate about \$215,270 once the townhouse units are all sold. He said that history shows that townhouse developments generate very few children and this is geared for empty nesters so there will be no impact on the schools.

Aldersperson Leach asked if the commercial would be built before or along with the residential.

Mr. Yock said they would be built along with.

Mr. Nicklas said the setback on Hathaway will be 35' to be uniform and that should be noted in any motion. He said there had been mention of 3-bedroom units and he wanted to be sure they were only planning 2-bedroom units.

Aldersperson Knuth asked when the residential buildout would start.

Mr. Yock said if they got approval it would be next spring.

Aldersperson Paulsen said he thought the street width from the front section to the back was pretty tight and he thought maybe the 5-plex could be reduced to a 4-plex. He said there was no green space and wondered where the plowed snow would go.

Randy Yock, 38W304 Deerpath Road, Batavia, said the plan is preliminary and the roads are subject to engineering. He said the snow could be hauled out.

Aldersperson Knuth asked how many units would be built in 2006.

Mr. Yock said 12 to 18 and it would be a 2 to 3-year buildout for the residential.

Mr. Cordes said that everything would have to be approved by the Fire Department.

Mr. Nicklas said the engineering would need to be approved by the engineer.

Engineer Brady said the roadway would have to be 24 feet.

### **Motion**

Aldersperson Maness moved to hear Ordinance 2005.56 on first and second reading and Aldersperson Kessler seconded the motion.

Aldersperson Leach asked if the streets would be private. She said she would like to see this developed as something else, but has watched Plan Commission go through all the proposals. She said since this is infill she thinks this proposal makes sense.

Aldersperson Paulsen said this is a very dense development and reminds him of the townhomes on Peace Road that everybody complains about. He said he is not thrilled with the proposal.

Aldersperson Bauer said this will add to the list of building permits for 2006.

### **Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. Four Alderspersons voted aye with Alderspersons Knuth, Paulsen, Stowe, and Adee voting nay and Mayor Mundy broke the tie by voting aye. Motion failed 5-4.

Aldersperson Stowe said he would like to see the density cut down and would like to see it remain commercial.

**I. Ordinance No. 2005.57—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Gracious Living Homes-Sycamore, LLC for a Final Plat for a Planned Unit Development South of Bethany Road and West of the Bethany Road Retention Pond in the City of Sycamore, Illinois. First and Second Reading.**

Manager Nicklas said this final plat comprises the entire development of just under 17 acres.

**Motion**

Alderson Stowe moved to hear Ordinance 2005.57 on first and second reading and Alderson Leach seconded the motion.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Aldersons voted aye. Motion carried 8 - 0.

**Motion**

Alderson Stowe moved to approve Ordinance 2005.57 and Alderson Leach seconded the motion.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Aldersons voted aye. Motion carried 8 - 0.

**J. Ordinance No. 2005.58—An Ordinance Approving a Contract with WRT Technology for the Installation and Maintenance of Radium Treatment Facilities at Wells 6, 8 & 9 in the City of Sycamore, Illinois. First and Second Reading**

Manager Nicklas said at the last meeting Council directed him to bring back a contract. He said this will be paid for with \$650,000 from the Water Impact Fee fund and \$675,000 from the Water Fund reserve.

**Motion**

Alderson Bauer moved to hear Ordinance 2005.58 on first and second reading and Alderson Leach seconded the motion.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Aldersons voted aye. Motion carried 8 - 0.

**Motion**

Alderson Leach moved to approve Ordinance 2005.58 and Alderson Maness seconded the motion.

Alderson Paulsen repeated what was said at the last meeting, that they are spending a lot of money that will not improve the quality of the water or the quality of life in Sycamore.

Alderson Kessler said the numbers were set without scientific data and this is mandated. She said that Sycamore is fortunate to have the money to conform to this mandate.

Manager Nicklas said he wanted it entered into the record that they are entering into this contract to be in compliance with the EPA regulations.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Aldersons voted aye. Motion carried 8 - 0.

**RESOLUTIONS**

None

**CONSIDERATIONS**

**A. Consideration of a Request from Kishwaukee Community Hospital for Relief From a Portion of the Water and Sewer Connection Fees Associated with the New Hospital Facility.**

Manager Nicklas said that Kishwaukee Hospital who has long been a part of our water system pays 1.5 times the user fee because they are in the County and the new facility will pay the same rate. Mr. Nicklas said the fee ordinance is designed to get new users to help defray some of the costs of the expansion of the water systems, new towers, or new wells. He said this is a longtime good paying customer and even with all the credits that are in the code for new jobs created or retained there is a stiff charge. He said he is proposing \$22,000 for the project which covers the for-profit area of the facility.

**Motion**

Aldersperson Bauer moved to accept the reduction of fees and Aldersperson Maness seconded the motion.

Aldersperson Bauer asked if they had considered annexing to the City.

Peter Smith, attorney for the petitioner, explained that back in the 1970's Sycamore and DeKalb both had hospitals and a promise was made that this would be a hospital to serve the entire county.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 - 0.

**APPOINTMENTS**

None

**ADJOURNMENT**

**Motion**

Aldersperson Stowe moved to adjourn the meeting at 9:10 p.m. and Aldersperson Leach seconded the motion.

**Voice Vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 - 0.

Approve:

\_\_\_\_\_  
Mayor - Ken Mundy

Attest:

\_\_\_\_\_  
City Clerk – Candy Smith